

Joseph Corrigan

From: Joseph Corrigan
Sent: Thursday, July 12, 2007 3:47 PM
To: 'tmorris423@aol.com'
Cc: 'sas'
Subject: RE: Premier v. Penzell scheduling
Importance: High

Tom:

I just got in the office after being out at meeting this afternoon. You have had the judge's order for over a week and my e-mail since last Friday and yet you wait until late in the day on Thursday, the week before the depositions are to proceed, to address these issues. The delay here has consistently been on Premier's end, not mine.

Your e-mail response below mischaracterizes the record, Judge Gertner's order and my past correspondence, of which I have sent several, at least two of which have proposed a schedule as follows:

I am prepared, as I stated before, to move forward next week with the depositions controlled by Judge Gertner's order. As you will see from my past correspondence, I intend to depose Mr. Storfer on Monday, and you can depose Mr. Freshman on Tuesday. The inventory attorneys are available on Wednesday and Ms. Penzell Thursday and Friday.

If you reviewed my past correspondence and the motion for protective order, you will see that I had secured Jerry Freshman's office, and accordingly, that is where the judge has ordered the depositions to take place.

I am now in the office and available to discuss.

Joe

From: tmorris423@aol.com [mailto:tmorris423@aol.com]
Sent: Thursday, July 12, 2007 3:39 PM
To: Joseph Corrigan
Subject: Re: Premier v. Penzell scheduling

Joe--

I am a bit unclear about your response to my e-mail, and there are a number of issues apart from scheduling which we must address before depositions can go forward. (For example, you told me you would look into the availability of Mr. Freshman's offices as a venue; this will, in turn, dictate the hotel I will book.)

I have spoken to Mr. Storfer regarding his schedule. He is traveling from Ft. Lauderdale, and accordingly prefers to begin at around lunchtime. How long do you plan to take with him? I suspect that his deposition may be longer than Mr. Freshman's, given Mr. Storfer's involvement with post-Penzell collection activity. If I am right, this is a scheduling matter we need to discuss. Perhaps the Storfer and Freshman depositions can be scheduled for a time post-Mr. Freshman's vacation and prior to 8/2.

You have also indicated in the past that you would coordinate scheduling on behalf of Ms. Noe and Mr. Rones. I assume they are included in your reference to "my people". We need to map out a schedule that includes them, and, of course, Ms. Penzell. Last spring, I outlined with you in detail a proposed, week-long schedule, but you did not address this in your mail below. I look forward to working out such a schedule with you.

Finally, there is the less logically complicated, but still open issue, of what, if any, Premier depositions you may want to take/resume. You have noticed Mr. Maimonis's deposition, and the depositions of Mr. Gleicher and Mr. DiFrancesco have not formally concluded. This may impact on scheduling as well.

I will take your e-mail below to mean that we will negotiate a schedule in good faith with a view to wrapping up all, or as much of, the foregoing as we can before the forthcoming conference before Judge Gertner. With so many open issues, I believe we have not laid the groundwork to go forward next week. I am, however, intent on resolving these matters at your earliest convenience.

--Tom

-----Original Message-----

From: Joseph Corrigan <jcorrigan@PBL.COM>
To: tmorris423@aol.com
Cc: sas <s.sussman@verizon.net>
Sent: Fri, 6 Jul 2007 4:31 pm
Subject: RE: Premier v. Penzell scheduling

Tom:

I want to depose your expert. That can occur during the week of the 16th or any time before we go before Judge Gertner. However, if it is the only deposition we do down there, then I want to hold it on a Friday. My people are available the week of July 16th if you want to depose them. Jerry Freshman is only available through July 18th and then is returning to his vacation. You can depose all or some of them during that week if you like, or not.

I am available to discuss this as well (617) 973-6151.

Joe

From: tmorris423@aol.com [mailto:tmorris423@aol.com]
Sent: Friday, July 06, 2007 4:25 PM
To: Joseph Corrigan
Subject: Premier v. Penzell scheduling

Joe--

I read the Court's decision on your client's recent motion for protective order to direct us to consult regarding scheduling of depositions. Is it your preference to schedule them during the third week of July, the week to proceed along the lines we previously discussed, or some other time? And do you intend to conduct/resume any Premier depositions? Please let me know.

--Tom

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